

BILL NO. Z-96-01-03

ZONING MAP ORDINANCE NO. Z-01-96

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. T-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

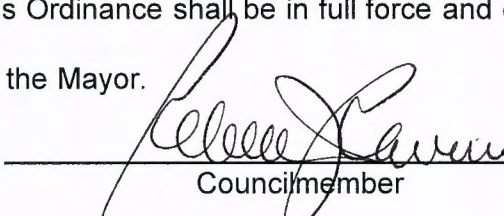
SECTION 1. That the area described as follows is hereby designated an RA
(Suburban Residential) District under the terms of Chapter 157 Title XV of the Code of
the City of Fort Wayne, Indiana of 1974:

Part of the Southwest Quarter of Section 36, Township 30 North, Range 12 East,
Allen County, Indiana, more particularly described as follows:

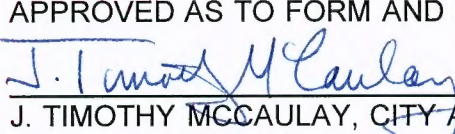
Beginning at a point on the North line of the Southwest quarter of Section 36,
Township 30 North, Range 12 East, Allen County, Indiana, said point being
1317.12 feet West of the Northeast corner of the Southwest ¼ of Sec 36-30-12;
thence West along the North line of the Southwest ¼ of Section 36-30-12 a
distance of 615.0 feet; thence South with a deflection angle to the left of 89
degrees 38 minutes 00 seconds a distance of 400.0 feet; thence East with a
deflection to the left of 90 degrees 22 minutes a distance of 615.0 feet; thence
North with a deflection angle to the left of 89 degrees 38 minutes along the
centerline of Hanna Street extended South a distance of 400.0 feet to the point
of beginning, containing 5.65 acres. Subject to easements.

and the symbols of the City of Fort Wayne Zoning Map No. N-31, as established by
Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby
changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after
its passage and approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Parone,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of _____
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 1-9-96 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Hayhurst,
and duly adopted, placed on its passage. PASSED lost
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BENDER	✓			
CRAWFORD	✓			
EDMONDS				✓
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY	✓			
RAVINE	✓			
SCHMIDT	✓			✓

DATED: 2-27-96 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL)
(SPECIAL) _____ (ZONING) _____ ORDINANCE ~~RESOLUTION~~ NO. 2-01-96
on the 27th day of January, 1996

ATTEST: (SEAL)
Sandra E. Kennedy Rebecca Laurie
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 28th day of February, 1996,
at the hour of 11:00 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 4th day of March,
1996, at the hour of 2:00 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 18468

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 12/14 19 95

RECEIVED FROM Edward Rose of Ind. \$ 650.00
 THE SUM OF six hundred + fifty ¹⁰⁰ 00/ DOLLARS
 ON ACCOUNT OF To Budget Apts

5546
5548

Rezoning + Community Development
For B

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE



Petition for a Zoning Map Amendment

Community & Economic Development / 1 Main Street Rm 830 / Fort Wayne, IN 46802 / (219) 427-1140

I/We EDWARD ROSE PROPERTIES, INC. do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from a/an R-1/B-2 designation to a/an BA designation, the property located at the common street address of: _____ and further described as follows:

See Attached Legal Description

(Please attach a legal description if more space is needed.)

The purpose of this proposed rezoning is to permit the use of the property for the following:
Multi-family apartment buildings.

Property owners Name(s): MERAK PARTNERS, an Indiana Partnership

Street Address: 111 East Wayne Street, Suite 800

City: Fort Wayne State: IN Zip: 46802 Phone: (219) 424-8000

Applicants Name (if different from above): EDWARD ROSE PROPERTIES, INC.

Street Address: 6100 Newport Road, P.O. Box 3015

City: Kalamazoo State: MI Zip: 49003 Phone: 616 323-9484

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/we agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Signature

Maclyn T. Parker Maclyn T. Parker, Partner

12/13/95

Printed Name

Date

Signature

Printed Name

Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners name, addresses and signatures, please attach same to this form.
- All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: City of Fort Wayne.

Name and address of preparer, attorney or agent.

James R. Hall, Agent

616 323-9484

6100 Newport Rd., P.O. Box 3015

Telephone Number

Kalamazoo, MI 49003

Form Rez494

Receipt #:

Date Filed:

Map #:

Reference #:

CERTIFICATE OF SURVEY

DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

JOHN R. DONOVAN PE 9173 PLS 9921 IN
FRANCIS X. MUELLER PLS S0193 IN.
GREGORY L. ROBERTS PLS S0548 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows:

Part of the Southwest quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Southwest quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, said point being 1317.12 ft. West of the Northeast corner of the Southwest 1/4 of Sec 36-30-12; thence West along the North line of the Southwest 1/4 of Section 36-30-12 a distance of 615.0 ft. thence South with a deflection angle to the left of 89 degrees 38 minutes 00 seconds a distance of 400.0 ft., thence East with a deflection to the left of 90 degrees 22 minutes a distance of 615.0 ft., thence North with a deflection angle to the left of 89 degrees 38 minutes along the center line of Hanna Street extended South a distance of 400.0 ft. to the point of beginning containing 5.65 acres. Subject to easements

JK

Job No. 36WAY
Job for: MERAK

Date: 8-21-95

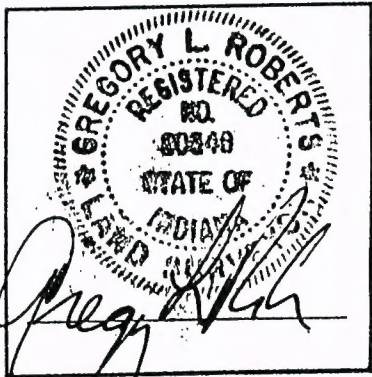
LEGEND	
IPF	Iron Pin Found
PF	Iron Pipe Found
IPS	5/8" re-bar set (with cap stamped #0027)
PK	P.K. Nail
(M)	Measured
(R)	Recorded

All monuments are at grade except as noted.
All property line distances are recorded
dimensions, except as noted
Monuments found have no documented history,
except as noted

Scale:



Date of field work:



I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

CERTIFICATE OF SURVEY

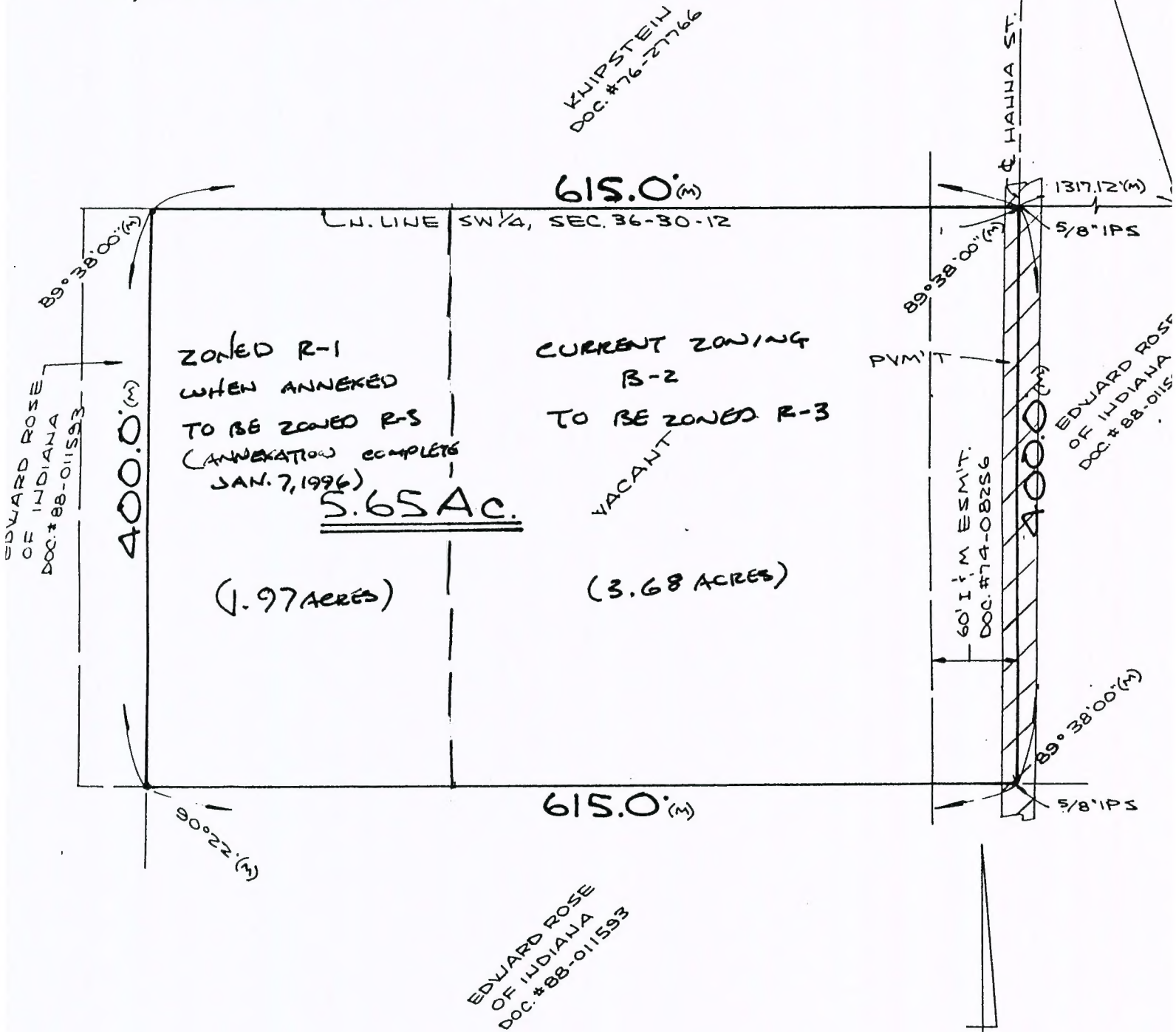
DONOVAN ENGINEERING INC
2020 INWOOD DRIVE
EXECUTIVE PARK
FORT WAYNE, INDIANA 46815

JOHN R. DONOVAN PE 9173 PLS 9921 IN
FRANCIS X. MUELLER PLS S0193 IN
GREGORY L. ROBERTS PLS S0548 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows: **SEE ATTACHED SHEET!**

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0290 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

NE COR. SW 1/4
SEC. 36, T. 30 N. R. 12 E.
ALLEN CO. IN



Job No. 36WAY
Job for: MERAK

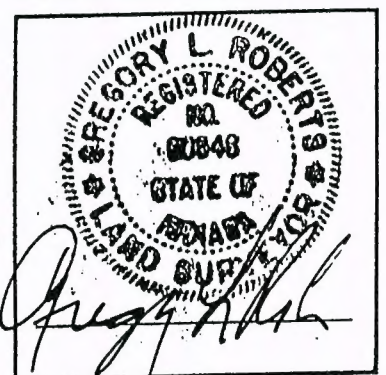
Date: 8-21-95

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Monuments found have no documented history, except as noted.

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.

Scale: 1" = 100'
0' 50' 100'
Date of field work:



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 9, 1996 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-01-03; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 22, 1996.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 29, 1996.

Certified and signed this
5th day of February 1996.



Carol Kettler Sharp
Secretary

FACT' SHEET

Z-96-01-03

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-1 & B2D to RA

DETAILS

Specific Location and/or Address

7700 Block of Hanna Street, west side

Reason for Project

72 new dwelling units in Phase II
of Southbridge Apartments

Discussion (Including relationship to other Council actions)

22 January 1996 - Public Hearing

(See Attached Minutes of Meeting)

29 January 1996 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council
with a DO PASS recommendation.

Of the eight (8) members present, seven
(7) voted in favor of the motion, the
Chair did not vote. Motion carried.

Members Present: Linda Buskirk, Ernest
Evans, DeDe Hall, James Hoch, Stanley
Phillips, Thomas Quirk, Dave Ross, Carol
Kettler Sharp

Member Absent: Richard Pierce

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
Edward Rose Properties Inc,
agent for Merak Partners
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

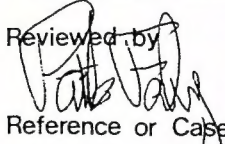
Date 14 December 1995

Projected Completion or Occupancy

Date 5 February 1996

Fact Sheet Prepared by
Patricia Biancaniello

Date 5 February 1996

Reviewed by


Date February 8, 1996

Reference or Case Number

Public Hearing on Zoning Map Amendments and Primary Development Plans

- a. Bill No. Z-96-01-03 - Change of Zone #603
From R1/B2D to RA
7700 Block of Hanna Street

Primary Development Plan - South Bridge Apartments Section II

Jerry Speedy, 6100 Newport Road, Kalamazoo MI, representing Edward Rose of Indiana, the developer of the property in question appeared before the Commission. Mr. Speedy stated that this development that is before the Commission is an expansion of Southbridge Apartments. The property is 5.6 acres and lies just north of the existing Southbridge Apartments. They currently have 786 apartments in the existing development and will be 816 when they are finished with the last building. The new construction will add 72 new dwelling units. He stated that this new development seems like a natural extension of the existing development. He stated that the current zoning would permit the development of apartments. He stated that they are asking that the property be rezoned in order to place the ground under the same zoning classification as the existing units. They felt it would be appropriate to have the same zoning, same standards along with consistent restrictions as the current apartments. He stated that they will be construction two new buildings with 36 units in each. He stated they will be built in the same architectural style as the existing Southbridge Apartments.

Ernest Evans asked if the buildings would be two story.

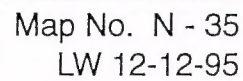
Mr. Speedy stated that they would be 2½ to 3 stories.

Wilbur Knipstein, 8602 South Anthony Blvd., Mr. Knipstein stated that he is owner and operator of Knipstein Farms. He stated that he farmed the original land where the apartments are currently standing for approximately 30 years. He stated that he owns the land directly to the north and west of the proposed development. He stated that there will be a problem with the natural water drainage from the land. He stated that they had a meeting with the developer and they agreed that they would take care of the drainage. He stated that most of the ground to the north drains in a southerly direction. He stated that when they put an earth barrier on the property it will force the water, that normally would go south, to go west, and it will cause flooding for his crops. He stated that he is willing to work with the developers to prevent this from happening. He stated that he would hope that the Commission when approving this project would make it conditional on the drainage being corrected.

In rebuttal, Mr. Speedy stated that they are willing to work with Mr. Knipstein with regard to the drainage.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning and primary development plan.

CASE NO. #603



R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

ORIGINAL

ORIGINAL

#603

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 7700 Block Hanna Street

2-96-01-03

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential and B-2-D - Regional Shopping Center District.

Property will be zoned RA - Residential District A.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential and B-2-D - Regional Shopping Center District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. Z-96-01-03

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. T-34

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>Rebecca Ravine</u>			
<u>Thomas Hayhurst</u>			
<u>Walter A. Bunch</u>			
<u>John W. Armstrong</u>			
<u>Don Schuyler</u>			
<u>Thomas J. Schuyler</u>			
<u>Julie Snyder</u>			
<u>Debbie Hall</u>			

DATED: 2-27-96

Sandra E. Kennedy
City Clerk